

ASSEMBLY BILL

No. 537

Introduced by Assembly Member Calderon

February 18, 2003

An act to amend Section 7285 of the Government Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 537, as introduced, Calderon. Employment laws: enforcement actions.

Existing law provides a legislative finding and declaration that all protections, rights, and remedies available under state law, except as prohibited by federal law, are available to individuals regardless of immigration status who have applied for employment, or who are or who have been employed, in this state.

Existing law also finds and declares that for the purposes of enforcing state labor, employment, civil rights, and employee housing laws, a person's immigration status is irrelevant to the issue of liability and no inquiry shall be permitted into a person's immigration status except when necessary to comply with federal immigration law.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7285 of the Government Code is
2 amended to read:

1 7285. The Legislature finds and declares *all of* the following:

2 (a) All protections, rights, and remedies available under state
3 law, except any reinstatement remedy prohibited by federal law,
4 are available to all individuals regardless of *their* immigration
5 status who have applied for employment, or who are or who have
6 been employed, in this state.

7 (b) For purposes of enforcing state labor, employment, civil
8 rights, and employee housing laws, a person's immigration status
9 is irrelevant to the issue of liability, and in proceedings or
10 discovery undertaken to enforce those state laws no inquiry shall
11 be permitted into a person's immigration status except where the
12 person seeking to make the inquiry has shown by clear and
13 convincing evidence that the inquiry is necessary in order to
14 comply with federal immigration law.

15 (c) The provisions of this section are declaratory of existing
16 law.

17 (d) The provisions of this section are severable. If any
18 provision of this section or its application is held invalid, that
19 invalidity shall not affect other provisions or applications that can
20 be given effect without the invalid provision or application.

